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20 RASIER, LLC; and RASIER-CA, LLC

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22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**
24 **SAN FRANCISCO DIVISION**

25 IN RE: UBER TECHNOLOGIES, INC.,
26 PASSENGER SEXUAL ASSAULT
27 LITIGATION

28 This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, RASIER-CA, LLC'S
STATEMENT IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTIONS TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIALS
SHOULD BE SEALED [ECF NO. 2199]

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

DEFENDANTS' STATEMENT IN SUPPORT OF SEALING**CONFIDENTIAL MATERIALS**

Pursuant to Civil Local Rules 79-5(f)(3) and (c)(1) and the Protective Order entered in this case dated December 28, 2023, ECF 176 (“Protective Order”), Defendants Uber Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively “Uber”), respectfully submit this statement in support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Filed Under Seal, dated February 3, 2025, ECF 2199 (“Plaintiffs’ Motion(s)”).

I. BACKGROUND AND REQUESTED SEALING

Plaintiffs’ Motion concerns four documents:

Document	Description	Designating Party
UBER_JCCP_MDL_000032097-131	Confidential business document	Uber
UBER_JCCP_MDL_000192322-37	Confidential business communication	Uber
UBER_JCCP_MDL_000040852-55	Confidential business document	Uber
UBER-MDL3084-000099693-732	Confidential business document	Uber

The documents at issue were cited in a brief on TAR validation and filed under seal by Plaintiffs on February 3, 2025 (ECF 2199) pursuant to the Court’s January 30, 2025 Order (ECF 2184). On February 5, 2025, the Court sealed redacted portions of the TAR validation letter brief that cited and summarized these documents, ECF 2253. The Court should likewise seal the underlying documents at issue in this motion.

These documents consist of confidential, non-public, internal business documents and communications, and one contains personal identifying information, namely non-public email addresses of Uber employees. *See* Cummings Decl. ¶¶ 2-5. Disclosure of these documents would harm Uber’s competitive standing and legitimate interests in the confidentiality of internal business plans and communications, as well as the privacy interests of Uber employees. Uber therefore submits this statement requesting that the Court seal the exhibits under Local Rule 79-5(f)(3).

1 **II. LEGAL STANDARD**

2 Documents which do not relate directly to the merits of a case are properly sealed when a
 3 moving party makes “a particularized showing under the good cause standard of Rule 26(c).”
 4 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations
 5 and citations omitted); *see also Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101-02
 6 (9th Cir. 2016). Federal Rule of Civil Procedure 26(c) states that good cause may exist when issuing
 7 an order to seal is necessary to “protect a party or person from annoyance, embarrassment, oppression,
 8 or undue burden or expense.” Fed. R. Civ. P. 26(c).

9 The documents here are related to briefing on TAR validation; they are not related to a
 10 dispositive motion. *See United States v. Selugh*, 896 F.3d 1007, 1015 (9th Cir. 2018); *Brown v. Google*
 11 LLC, 2022 WL 4227545, at *1; *Adtrader, Inc. v. Google LLC*, 2020 WL 6387381 at *1 (N.D. Cal.
 12 Feb. 24, 2020). Therefore, the good cause standard applies. Discovery motion materials “are actually
 13 one step further removed in public concern from the trial process than the discovery materials
 14 themselves.” *Selugh*, 896 F. 3d at 1015. District Courts have discretion to balance the interests of
 15 private parties and public disclosure when deciding to seal documents. *Kamakana*, 447 F.3d at 1180.

16 “Courts in this circuit routinely seal email addresses and other personal identifying information
 17 under the compelling reasons standard due to the potential privacy harm to the individual whose
 18 contact information may be exposed.” *Jones v. PGA Tour, Inc.*, 2023 WL 7434197, at *2 (N.D. Cal.
 19 Oct. 5, 2023); *see also In re Pac. Fertility Ctr. Litig.*, 2021 WL 1082843, at *2 (N.D. Cal. Mar. 12,
 20 2021) (noting that “there are compelling reasons to seal customer names, … as well as employee email
 21 addresses”). Courts also routinely seal confidential business information under the good cause
 22 standard, such as business plans. *See, e.g., Epidemic Sounds, AB v. Meta Platforms, Inc.*, 2025 WL
 23 345923, at *2 (N.D. Cal. Jan. 30, 2025) (sealing “information about the parties’ business operations
 24 and negotiations” based on the potential risk “disclosure could disadvantage the parties in negotiations
 25 and provide an advantage to their competitors”); *Vineyard Investigations v. E. & J. Gallo Winery*,
 26 2024 WL 4853055, at *2 (E.D. Cal. Nov. 21, 2024) (“Non-public information regarding a party’s
 27 business operations is typically subject to sealing”); *Jones v. PGA Tour, Inc.*, 2023 WL 3570000, at

*2 (N.D. Cal. May 18, 2023) (sealing document that reflected “reflects public relations strategy”);
 2 *Jones v. PGA Tour, Inc.*, 2023 WL 2232094, at *3 (N.D. Cal. Feb. 23, 2023) (sealing “details about
 3 the [business’s] operations and business relationships with other [businesses]” based on potential risk
 4 of “competitive harm to the [business] and damage [to] its business relationships”).

5 **III. UBER’S MATERIAL SHOULD BE KEPT UNDER SEAL**

6 The documents at issue are documents cited in a joint letter brief on TAR validation. These
 7 documents consist of confidential, non-public, internal business documents and communications, and
 8 one contains personal identifying information, namely non-public email addresses of Uber employees.
 9 *See* Cummings Decl. ¶¶ 2-5. Uber has a legitimate interest in sealing these documents in order to
 10 avoid harm to Uber’s competitive standing and legitimate interests in the confidentiality of internal
 11 business plans and communications, as well as the privacy interests of Uber employees. There are no
 12 less restrictive alternatives to sealing the documents. *See id.* ¶¶ 2-6. The Court has already sealed
 13 redacted portions of the TAR validation letter brief that cited and summarized these documents, ECF
 14 2253, and should likewise seal the underlying documents at issue in this motion.

15 **A. Failing to Seal the Documents Would Harm Uber**

16 **UBER_JCCP_MDL_000032097-131:**

17 This document was produced in this litigation and designated as confidential pursuant to the
 18 Protective Order. It is an internal presentation containing confidential, non-public internal business
 19 research, setting goals, objectives, plans, and proposals, concerning data gathering accessibility and
 20 strategies that helped inform Uber’s current policies and engagement with third parties. *See*
 21 Cummings Decl. ¶ 2. Uber expended significant resources gathering the data and developing the
 22 processes contained within this presentation. Therefore, disclosure of this presentation risks harm to
 23 Uber through its competitors utilizing the information and copying processes. The information in this
 24 presentation could also be used to manipulate Uber’s reporting process. Moreover, third parties
 25 negotiating to partner with Uber could leverage the information in the presentation to their advantage.
 26 Courts routinely seal confidential business information under the good cause standard, such as
 27 documents containing confidential internal business operations. *See Vineyard Investigations*, 2024

1 WL 4853055, at *2; *see also, e.g., Epidemic Sounds*, 2025 WL 345923, at *2; *Jones*, 2023 WL
 2 2232094, at *3.

3 **UBER_JCCP_MDL_000192322-37:**

4 This document was produced in this litigation and designated as confidential pursuant to the
 5 Protective Order. It is an internal presentation containing confidential, non-public internal business
 6 research and metrics gathered over a period of time to provide information to stakeholders on
 7 recommended courses of action to improve safety, as well as Uber's plans and strategies related to
 8 incidents concerning driver partners, which informed Uber's current policies and safety initiatives.
 9 *See Cummings Decl. ¶ 3.* Uber expended significant resources gathering the data and developing the
 10 processes contained within this presentation. Disclosure of this presentation risks harm to Uber
 11 through its competitors utilizing the information and copying processes. Uber would also be at risk of
 12 harm through third parties negotiating to partner with Uber leveraging the information in the
 13 presentation to their advantage. Courts routinely seal confidential business information under the good
 14 cause standard, such as documents containing confidential internal business operations. *See Vineyard*
 15 *Investigations*, 2024 WL 4853055, at *2; *see also, e.g., Epidemic Sounds*, 2025 WL 345923, at *2;
 16 *Jones*, 2023 WL 2232094, at *3.

17 **UBER_JCCP_MDL_000040852-55:**

18 This document was produced in this litigation and designated as confidential pursuant to the
 19 Protective Order. It is an internal communication containing confidential, non-public research, data,
 20 statistics, and analysis concerning certain reported driver incidents that informed Uber's approach to
 21 current policies and engagement with third parties. *See Cummings Decl. ¶ 4.* Uber expended
 22 significant resources gathering the data and conducting the analyses contained in this communication.
 23 In turn, Uber would suffer harm if its competitors are able to utilize these data and analyses. Moreover,
 24 the information contained in this communication could be used to manipulate Uber's reporting
 25 process. Courts routinely seal confidential business information under the good cause standard, such
 26 as documents containing confidential internal business operations. *See Vineyard Investigations*, 2024
 27 WL 4853055, at *2; *see also, e.g., Epidemic Sounds*, 2025 WL 345923, at *2; *Jones*, 2023 WL

1 2232094, at *3. This document also contains personal information of an Uber employee, namely a
 2 non-public email address. “Courts in this circuit routinely seal email addresses and other personal
 3 identifying information under the compelling reasons standard due to the potential privacy harm to the
 4 individual whose contact information may be exposed.” *Jones* 2023 WL 7434197.

5 **UBER-MDL3084-000099693-732:**

6 This document was produced in this litigation and designated as confidential pursuant to the
 7 Protective Order. It is an internal presentation containing confidential, non-public internal business
 8 research and technology development, revealing Uber’s decision-making processes and strategic plans
 9 that informed Uber’s current policies and engagement with third parties. *See Cummings Decl.* ¶ 5.
 10 Uber expended significant resources gathering the data and developing the processes contained within
 11 this presentation. Therefore, disclosure of this presentation risks harm to Uber through its competitors
 12 utilizing the information and copying processes. The information could also be used to manipulate
 13 Uber’s reporting process. Moreover, Uber would be at risk of harm through third parties negotiating
 14 to partner with Uber leveraging the information in the presentation to their advantage. Courts routinely
 15 seal confidential business information under the good cause standard, such as documents containing
 16 confidential internal business operations. *See Vineyard Investigations*, 2024 WL 4853055, at *2; *see also*, e.g., *Epidemic Sounds*, 2025 WL 345923, at *2; *Jones*, 2023 WL 2232094, at *3.

18 **B. Less Restrictive Alternative to Sealing is Insufficient to Prevent Harm**

19 No less restrictive alternative to sealing the documents at issue is sufficient. *See Cummings*
 20 *Decl.* ¶ 6. Actions short of sealing the documents would not protect Uber’s competitive standing and
 21 the legitimate privacy interests of Uber employees.

22 **IV. CONCLUSION**

23 For the foregoing reasons, Uber respectfully requests that the Court order that these documents
 24 listed above be maintained under seal.

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1 DATED: February 10, 2025

Respectfully submitted,

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